

Tree Cutting in Putnam Valley

In October 2003, the Putnam Valley Town Board adopted two local laws to regulate the cutting of trees in Putnam Valley, *viz.*, local laws 7 and 8 of 2003 (the latter is an amendment to the town zoning code). The impetus for these laws came from town residents who sought a way to regulate tree cutting in order to maintain the town's rustic quality, to protect the environment, and to minimize negative consequences to neighbors. The passage of these two laws came after nearly two years of discussion by the Putnam Valley Commission for the Conservation of the Environment (P.V.C.C.E.), several public hearings conducted by the Town Board, and much public comment. A full text of the laws can be obtained from the town clerk. A summary of the laws follows.

A **tree** is defined as a woody perennial, either deciduous or coniferous, having a diameter six (6) inches or greater, measured four-and-one-half (4 1/2) feet above ground level (or dbh, i.e., diameter at breast height). The following species are excluded from this definition: poison sumac (*Rhus vernix*), shining sumac (*Rhus copallinum*), staghorn sumac (*Rhus typhina*), and Japanese lacquer tree (*Rhus vernicifera/Rhus verniciflua*).

A **specimen tree** is defined as a tree with a minimum diameter of twelve (12) inches or greater, measured four-and-one-half (4 1/2) feet above ground level, and/or a minimum crown spread of fifteen (15) feet.

The following activities require no permit:

- logging operations for which a special-use permit has been granted by the Planning Board;
- clear-cutting within fifteen (15) feet of an existing building for which a Certificate of Occupancy (CO) exists, or within fifteen (15) feet of a proposed addition, or within the footprint of a proposed addition;
- clear-cutting of lots within five (5) feet of an existing or proposed subsurface structure (e.g., septic system or field) or other subsurface improvement or within the septic field area as required by the Putnam County Health Department;
- clear-cutting within three (3) feet of an existing or proposed sidewalk or driveway or within the area occupied by a proposed sidewalk or driveway;
- tree-cutting authorized and conducted in accordance with a tree plan approved by the Planning Board as part of a development approval plan or site plan approved by the Planning Board;
- the cutting of up to three (3) non-specimen trees within twenty (20) feet of the property's perimeter (the **regulated zone**) within a twelve (12) month period by any owner or combination of owners.

(Continued on overside of sheet.)

The following activities require a permit:

- tree-cutting within the regulated zone, except as exempted above;
- clear-cutting of a lot. In this context, clear-cutting is defined as the removal of more than 30% of the trees in an area 10,000 square feet or more.

Permits are issued by the:

- Zoning Board of Appeals (ZBA) when any other permit or approval is required from ZBA;
- Planning Board (PB) with respect to applications for clear-cutting, or when any other permit or approval is required from PB, or from both PB and ZBA;
- Town Board (TB) when any other permit or approval is required from TB, including any application that also requires any permit or approval by PB, ZBA, or both;
- Code Enforcement Officer in all other instances.

Penalties

Violation of these ordinances is punishable by fines and/or imprisonment. Fines are based upon the diameter of trees unlawfully removed, as well as the number of trees unlawfully removed. Additional penalties may involve denial of a building permit or permanent CO for any lot for which a Notice of Violation has been issued. In addition, remediation may be required in the form of the planting of replacement trees.

Protected Native Plants of NYS

Citizens should be aware of the fact that several species of trees are protected under state law. These species are included on a list of protected native plants compiled by the NYS Department of Environmental Conservation (NYSDEC). The complete list of all protected native plants (trees, shrubs, wildflowers, grasses, sedges, ferns, etc.) can be found on the NYSDEC website: <http://www.dec.state.ny.us/website/regs/193b.htm>.

Additionally, the following tree species is protected under town law, but not under state law:

- Sugar maple (*Acer saccharum*)



This is an example of clear-cutting. This practice is regulated by town law.